

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Best *et al.*

Confirmation No.: 8693

Serial No.: 10/532,371

Group Art Unit: 1624

Filing Date: April 21, 2005

Examiner: N. Jarrell

For: ARYLOXYALKYLAMINE DERIVATIVES AS H3 RECEPTOR LIGANDS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

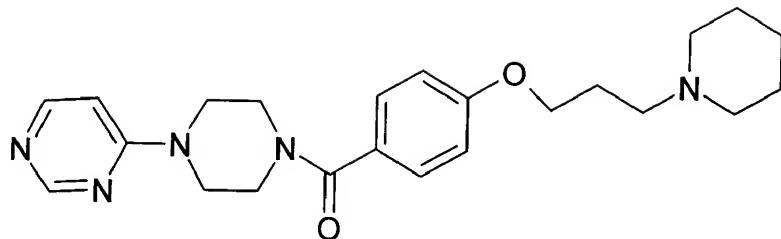
Sir:

This paper is submitted in response to the Restriction Requirement mailed September 26, 2007, for which the period for response expired on October 26, 2007. Applicants hereby request a three-month extension of time to extend the response period up to and including January 26, 2008. Please charge Deposit Account No. 07-1392 in the amount of \$1,050.00. Early examination of the application on the merits is earnestly solicited.

Currently, claims 1-3 and 7 are pending. The Examiner has required restriction to one of twelve groups. In response to such restriction, Applicants wish to proceed as follows.

Applicants elect without traverse Group I (claims 1-3 and 7), drawn to compounds and compositions of formula (I) where variable R¹ is a group of formula (A) where variable m is 1 or a group of formula (F) and variable R³ is a group of formula (CH₂)_q-NR¹¹R¹² where NR¹¹R¹² form a piperidine ring, for proceeding with prosecution on the merits. Applicants will amend the claims to cancel non-elected subject matter in response to the first Office Action on the merits and file one or more divisional applications at that time.

Applicants elect the single species set forth in Claim 2 as E16. This species is embodied in example E16 on page 16 of the published specification (US2006/0052597). Claims readable on this species are claims 1-3 and 7. For the convenience of the Examiner, the structure of E16 is depicted as follows:



In claim 1, for the above structure, R^1 is a group of formula (A) where m is 1 and the variable R^3 is a group of formula $(CH_2)_q-NR^{11}R^{12}$ where $NR^{11}R^{12}$ form a piperidine ring. Though not required for specie election, it is pointed out for completeness, in claim 1, for the compound E16: in formula (A), R^{5a} is a heteroaryl; n is 0; and p is 0.

Applicants' attorney gratefully acknowledges a telephonic interview with the Examiner on January 10, 2008. The interview was to clarify what was needed for compliance to the election of a single specie requirement.

Applicants believe that no fees are due in connection with the filing of this paper other than those specifically authorized herewith. However, should any other fees be deemed necessary to effect the timely filing of this paper, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392.

Respectfully submitted,

Date: 18 January 2008

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